

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. CR-15-113-R-4</b>
	)	
<b>TIFFANY BANKS,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Defendant Tiffany Banks,<sup>1</sup> a prisoner appearing *pro se*, filed a Motion for Sentence Reduction [Doc. No. 400] seeking release pursuant to 18 U.S.C. § 3582(c)(1)(A). The Government filed a Response [Doc. No. 401], and the matter is now at issue. Because Ms. Banks has not exhausted her administrative remedies, this Court must DENY her motion.

For Defendant to move under § 3582(c)(1)(A), she must fully exhaust her administrative rights. To do so, Defendant must either submit a request for compassionate release to the Bureau of Prisons and appeal a denial of that request, or Defendant may request such a release from the warden of her facility and wait the requisite time of thirty days. *See* 18 U.S.C. § 3582(c)(1)(A). This requirement to exhaust all administrative rights is a mandatory claim-processing rule that must be enforced when invoked by the Government. *United States v. Hemmelgarn*, 15 F.4th 1027, 1030 (10th Cir. 2021). The Government invokes it here. [Doc. No. 401 at 3]. Ms. Banks has pursued neither available

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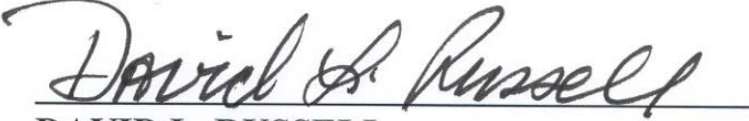
<sup>1</sup> Defendant uses the name “Tiffany Wright” in addressing the Court. While recognizing this, the Court will continue to refer to her by Ms. Banks for clarity in court records.

avenue of exhaustion according to her *Pro Se* Prisoner Compassionate Release Form. [Doc. No. 400 at 2-3].

Ms. Banks' failure to exhaust her administrative remedies appears to stem from confusion caused by her current home confinement. Despite residing outside a prison, Ms. Banks is still under supervision of a Warden; the CEO of the Dallas Residential Reentry Program, Shawn Smith, fulfills that role and is responsible for handling Ms. Banks' administrative requests. [Doc. No. 401 at 4]. Mr. Smith has not received any request for compassionate release from Ms. Banks. [Doc. No. 401, Ex. 1]. Ms. Banks is advised to pursue her administrative remedies through the proper channels before potentially refiling a motion with this Court.<sup>2</sup>

Due to a failure to exhaust administrative remedies, Defendant's Motion for Sentence Reduction [Doc. No. 400] is DENIED.

**IT IS SO ORDERED** this 13th day of September 2023.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> This Court commends Ms. Banks for her efforts at rehabilitation and reentry into society as evidenced by her filings, but it declines to review her motion on the merits.